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HON. HARRY H. KUTNER, SR.

JUSTICE, SUPREME CT. (DEC'D.)

January 16, 2025

VIA ECF ONLY

Hon. Joan M. Azrack

U.S. District Judge

100 Federal Plaza

Central Islip, New York 11722-4438

Re: KUTNER, etc. v. COUNTY OF NASSAU, et al.
CV # 22-7530

Honorable Madam:

This is an immediate reply to defense counsel, Mr. Liebman's
January 16th letter.

Correctly he points out that I did not respond within the Court's
required seven days, and failed to explain the reason for the delay. And, I
apologize for that omission.

Since early December, I endured a series of health hurdles that
kept me out, or on a much limited basis, of the office. I have fought a
cardiomyopathy for years, currently restricting my heart to 50% normal output,
but recently also compounded by 15% of the beats being skipped. Thus
restricted, any illness is to be especially wary of, and several weeks after
undergoing a T.E.E. and concurrent cardioversion from a bout of A-fib, I came
down with a severe respiratory illness initially differentially diagnosed as
possible pneumonia, causing me to go to an E.R. at 10:00 p.m. Thankfully it
was found to be a bad case of Influenza A, but worrisome nonetheless because
of my chronic limitations.

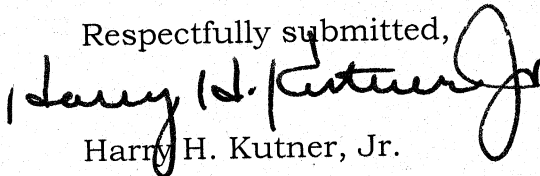
Thus, I apologize for not initially explaining my cause for the delay,
and also regret the additional time the Court and Mr. Liebman had to spend on
the issue.

HARRY H. KUTNER, JR.
ATTORNEY-AT-LAW

Notably Mr. Liebman pounded on the procedural technicality without addressing the reasonable proposal for overall resolution, thereby inferentially confirming its practicality.

I am sorry Your Honor has to take the time to address this dispute with your many more weighty matters.

Respectfully submitted,


Harry H. Kutner, Jr.

HHK/pm

cc: Joshua M. Liebman, Esq.
Attorney for defendants